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Attorneys for Plaintiff OWEN DIAZ

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

OWEN DIAZ,

Plaintiff,

v.

TESLA, INC. dba TESLA MOTORS, INC.;

Defendant.

Case No. 3:17-cv-06748-WHO

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S RENEWED MOTION  
FOR MISTRIAL AND MOTION FOR A  
NEW TRIAL**

1 Before the Court is Plaintiff's Renewed Motion for Mistrial and Motion for New Trial.  
2 The Court has considered the motion, the papers filed in support of and in opposition thereto, and  
3 oral argument by the parties. The Court concludes that the motion should be GRANTED  
4 pursuant to Federal Rule of Civil Procedure 59. Plaintiff is entitled to a mistrial and a new  
5 damages trial due to Tesla's counsel's misconduct and is also entitled to a new damages trial due  
6 to the jury's legally inadequate compensatory and punitive damages awards.

7 The Court grants Plaintiff a renewed choice between a new damages trial and the  
8 remittitur previously determined by the Court after the first trial: \$1.5 million in compensatory  
9 damages and \$13.5 million in punitive damages. Plaintiff shall file a notice on the docket within  
10 30 days stating whether he accepts or rejects the remittitur.

11 IT IS SO ORDERED.

12  
13 DATED: \_\_\_\_\_

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14 William Orrick III  
15 United States District Court Judge  
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